

REMARKS

Reconsideration of this application as amended and in view of the following remarks is respectfully requested.

Claims 1 - 66 were originally in this application. Claims 1 - 3, 13, 15, 17 - 66 have all been amended and Claims 4 - 12, 14 and 16 are maintained as original claims in response to this first Office Action in this prosecution.

Claims 1 - 3, 13, 15, 17 - 66 have been amended by deleting the term "comprising" and replacing it with the limiting term "consisting essentially of" to further clarify the novelty of this invention and meet the objections of the Examiner and as discussed below demonstrate that this invention is neither anticipated or rendered obvious by any of the references cited in the first office action. Examiner Chorbaji indicated that the use of the word "comprising" in the claims did not sufficiently limit the claims to the compositions set forth in the claims and therefor the cited references rendered the claims non-allowable. The substitution of the term "consisting essentially of" instead of comprising was discussed. Examiner Chorbaji indicated that if the application were amended as stated above an additional search would have to be undertaken.

DISCUSSION

This communication is a response to the first office action for Bradley J. Eldred U.S. Patent Application No. 10/679,660.

Claim rejections.

Examiner Chorbaji in the May 9, 2004, Office Action and also in the June 29, 2004, interview indicated that the scope of the claims of the instant application were anticipated by U.S. Patent No. 6,596,401 (Terry, et al.), or otherwise rendered obvious by Terry, U.S. Patent No. 5,997,814 (Minerovic, et al.) and also U.S. Patent No. 6,541,606 (Margolin, et al.) Examiner Chorbaji indicated that the use of the word "comprising" in the claims did not sufficiently limit the claims to the compositions set forth in the claims and therefor the cited references rendered the claims non-allowable.

Over two years of experimentation was undertaken to invent the water purification system manifest in the instant application and the findings of the experiments were unexpected. It was discovered that a very specific group of materials when combined produced potable water in a very short period of time with a residual purification effect that was completely unexpected. When the individual components were tested for their purification capacity it was several fold less effective than

the particular combination claimed in this patent, exhibiting in effect a synergistic purification capacity many times greater than a mere sum of the individual component's purification capacity.

Because the Applicant's claims stated that the invention was "comprised" of the claimed elements, it would also include the universe of claimed elements in U.S. Patent No. 6,596,401 (Terry, et al.), as well as U.S. Patent No. 5,997,814 (Minerovic, et al.) and also U.S. Patent No. 6,541,606 (Margolin, et al.) cited by the Examiner. By amending the application replacing the term "comprising" with "consisting essentially of" the Applicant has sufficiently narrowed the claims to its essential elements resulting in the claims teaching both novelty and inventive step. As amended, the instant application is neither anticipated or rendered obvious by U.S. Patent No. 6,596,401 (Terry, et al.), U.S. Patent No. 5,997,814 (Minerovic, et al.) or U.S. Patent No. 6,541,606 (Margolin, et al.) as cited by the Examiner.

By narrowing the claims to "consisting essentially of" the Applicant was compelled to add to the term "plant extract" the words "or chemical equivalent thereof" which would have been included in the broader, but rejected claims prior to this amendment. By adding "or chemical equivalents thereof" it would be understood in the art that the synthetically produced equivalent of the plant extracts are included in this patent application's claims.

With the foregoing amendments and discussion, as amended, all claims in this patent application are now allowable. The Applicant has amended the Application in response to the Examiner's written and oral objections and statements made respecting novelty.

There is no additional fee due with respect to this filing.

On the basis of the above amendment, amendment of the application is believed to be warranted and allowance of the application as amended is believed to also be warranted.

Respectfully submitted,



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